

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Hess et al.

Serial No. :

Art Unit:

Filed :

Examiner:

For : Vessel Harvesting Retractor with Integral
Electrosurgical Clamping Elements


I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

November 24, 2003

(Date of Deposit)

Brian S. Tomko

(Name of applicant, assignee, or Registered Representative)



(Signature)

November 24, 2003

(Date of Signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
- ☒ Copies of references listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. 09/967,201, filed September 28, 2001.

☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH1538CON/BST. This form is submitted in triplicate.

Respectfully submitted,



Brian S. Tomko
Reg. No. 41,349
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1239
DATED: November 24, 2003

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 1

Application Number**Filing Date****First Named Inventor**

Christopher Hess

Group Art Unit

3731

Examiner Name

M. Thaler

Attorney Docket Number

ETH1538CON

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		Re. 36,043		Knighton	1/12/99	
		3,175,556		Wood et al.	3/30/65	
		5,542,949		Yoon	8/6/96	
		5,591,183		Chin	1/7/97	
		5,593,418		Mollenauer	1/14/97	
		5,601,581		Fogarty et al.	2/11/97	
		5,667,480		Knight et al.	9/16/97	
		5,695,514		Chin	12/9/97	
		5,722,934		Knight et al.	03-03-1998	
		5,725,479		Knight et al.	3/10/98	
		5,730,748		Fogarty et al.	3/24/98	
		5,797,947		Mollenauer	8/25/98	
		5,817,013		Ginn et al.	10/6/98	
		5,836,945		Perkins	11/17/98	
		5,853,417		Fogarty et al.	12/29/98	
		5,873,889		Chin	2/23/99	
		5,876,413		Fogarty et al.	3/2/99	
		5,891,140		Ginn et al.	4/6/99	
		5,899,913		Fogarty et al.	5/4/99	
		5,902,316		Mollenauer	5/11/99	
		5,916,233		Chin	6/29/99	
		5,922,004		DuBois	7/13/99	
		5,928,135		Knight et al.	7/27/99	
		5,938,680		Ginn	8/17/99	
		5,968,065		Chin	10/19/99	
		5,968,066		Fogarty et al.	10/19/99	
		5,970,982		Perkins	10/26/99	
		5,972,010		Taheri	10/26/99	
		5,976,168		Chin	11/2/99	
		5,980,549		Chin	11/9/99	
		5,984,937		Morse et al.	11/16/99	
		6,019,771		Bennett et al.	2/1/00	
		6,022,313		Ginn et al.	2/8/00	

		6,036,713		Kieturakis	3/14/00	
		6,036,714		Chin	3/14/00	
		6,042,538		Puskas	3/28/00	
		6,059,802		Ginn	5/9/00	
		6,068,639		Fogarty et al.	5/30/00	
		6,071,2332		Knighton et al.	6/6/00	
		6,120,434		Kimura et al.	9/19/00	
		6,139,489		Wampller et al.		

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
		EP	0 979 635	A2		2/16/00		
		WO	99/66842			12/29/99		
		WO	00/15116			3/23/00		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

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